

IC 31-33

**ARTICLE 33. JUVENILE LAW: REPORTING AND
INVESTIGATION OF CHILD ABUSE AND NEGLECT**

IC 31-33-1

Chapter 1. General Provisions

IC 31-33-1-1

Sec. 1. The purpose of this article is to:

- (1) encourage effective reporting of suspected or known incidents of child abuse or neglect;
- (2) provide in each county an effective child protection service to quickly investigate reports of child abuse or neglect;
- (3) provide protection for an abused or a neglected child from further abuse or neglect;
- (4) provide rehabilitative services for an abused or a neglected child and the child's parent, guardian, or custodian; and
- (5) establish a centralized statewide child abuse registry and an automated child protection system.

As added by P.L.1-1997, SEC.16.

IC 31-33-2

Chapter 2. Establishment and Duties of Local Child Protection Service

IC 31-33-2-1

Sec. 1. (a) Each county office of family and children shall establish within the county office of family and children a local child protection service to carry out this article.

(b) In counties with populations greater than one hundred thousand (100,000), the child protection service must be a separate organizational unit administered and supervised by a person reporting directly to the county office of family and children.

As added by P.L.1-1997, SEC.16.

IC 31-33-2-2

Sec. 2. The local child protection service:

- (1) must have sufficient qualified and trained staff to fulfill the purpose of this article; and
- (2) must be organized to maximize the continuity of responsibility, care, and service of individual caseworkers toward individual children and families.

As added by P.L.1-1997, SEC.16.

IC 31-33-2-3

Sec. 3. (a) Except in cases involving a child who may be a victim of institutional abuse or cases in which police investigation also appears appropriate, the local child protection service is the primary public agency responsible for:

- (1) receiving;
- (2) investigating or arranging for investigation; and
- (3) coordinating;

the investigation of all reports of a child who may be a victim of known or suspected child abuse or neglect.

(b) In accordance with the local plan for the child protection services, the local child protection service shall, by juvenile court order:

- (1) provide protective services to prevent cases where a child may be a victim of further child abuse or neglect; and
- (2) provide for or arrange for and coordinate and monitor the provision of the services necessary to ensure the safety of children.

(c) Reasonable efforts must be made to provide family services designed to prevent a child's removal from the child's parent, guardian, or custodian.

As added by P.L.1-1997, SEC.16.

IC 31-33-2-4

YAMD.1999

Sec. 4. The local child protection service shall give notice of the existence and location of photographs, x-rays, and physical medical

examination reports to:

- (1) the prosecuting attorney; and
- (2) the appropriate law enforcement agency, if the law enforcement agency has not already received the items described in this section under IC 31-33-10-3.

As added by P.L.1-1997, SEC.16. Amended by P.L.197-1999, SEC.2.

IC 31-33-2-5

Sec. 5. Photographs, x-rays, or physical medical examination reports shall be made available to:

- (1) the law enforcement agency having jurisdiction;
- (2) the county office of family and children;
- (3) the prosecuting attorney;
- (4) the guardian ad litem; or
- (5) the court appointed special advocate appointed by the juvenile court;

for use in any judicial proceeding relating to the subject matter of a report made under this article and, to the extent permissible under the Indiana Rules of Trial Procedure, to the adverse party in any proceeding arising under this article.

As added by P.L.1-1997, SEC.16. Amended by P.L.197-1999, SEC.3.

IC 31-33-2-6

Sec. 6. (a) The local child protection service shall cooperate with and shall seek and receive the cooperation of appropriate public and private agencies, including the following:

- (1) Law enforcement agencies.
- (2) The courts.
- (3) Organizations, groups, and programs providing or concerned with services related to the prevention, identification, or treatment of a child who may be a victim of child abuse or neglect.

(b) The local child protection service shall also cooperate with public and private agencies, organizations, and groups that provide family services designed to prevent a child's removal from the child's home.

(c) Cooperation and involvement under this section may include the following:

- (1) Consultation services.
- (2) Planning.
- (3) Case management.
- (4) Public education and information services.
- (5) Utilization of each other's facilities, staff, and other training.

As added by P.L.1-1997, SEC.16.

IC 31-33-2-7

Sec. 7. (a) County offices of family and children located in adjacent counties may establish a joint or multiple county child protection service to carry out this article.

(b) A county office of family and children may contract with the county office of family and children of an adjacent county to provide child protection services to carry out this article.

As added by P.L.1-1997, SEC.16.

IC 31-33-2-8

Sec. 8. (a) Notwithstanding any other law, the child protection service may purchase and use the services of any public or private agency if adequate provision is made for continuity of care and accountability between the local protection service and the agency.

(b) If the local child protection service purchases services under this article, the state shall reimburse the expenses, to the extent allowed by state and federal statutes, rules, and regulations, to the locality or agency in the same manner and to the same extent as if the services were provided directly by the local child protection service.

As added by P.L.1-1997, SEC.16.

IC 31-33-2-9

Sec. 9. The decisions of the director under this chapter are judicially reviewable under IC 4-21.5-5.

As added by P.L.1-1997, SEC.16.

IC 31-33-3

Chapter 3. Establishment of Community Child Protection Team

IC 31-33-3-1

Sec. 1. (a) The community child protection team is a community-wide, multidisciplinary child protection team. The team must include the following eleven (11) members:

- (1) The director of the local child protection service or the director's designee.
- (2) Two (2) designees of the juvenile court judge.
- (3) The county prosecuting attorney or the prosecuting attorney's designee.
- (4) The county sheriff or the sheriff's designee.
- (5) Either:
 - (A) the president of the county executive in a county not containing a consolidated city or the president's designee; or
 - (B) the executive of a consolidated city in a county containing a consolidated city or the executive's designee.
- (6) A director of a court appointed special advocate or guardian ad litem program or the director's designee in the county in which the team is to be formed.
- (7) Either:
 - (A) a public school superintendent or the superintendent's designee; or
 - (B) a director of a local special education cooperative or the director's designee.
- (8) Two (2) persons, each of whom is a physician or nurse, with experience in pediatrics or family practice.
- (9) One (1) citizen of the community.

(b) The director of the county office of family and children shall appoint, subject to the approval of the director of the division of family and children, the members of the team under subsection (a)(7), (a)(8), and (a)(9).

As added by P.L.1-1997, SEC.16.

IC 31-33-3-2

Sec. 2. The team shall elect a team coordinator from the team's membership.

As added by P.L.1-1997, SEC.16.

IC 31-33-3-3

Sec. 3. The team coordinator shall supply the community child protection team with the following:

- (1) Copies of reports of child abuse or neglect under IC 31-33-7-1.
- (2) Any other information or reports that the coordinator considers essential to the team's deliberations.

As added by P.L.1-1997, SEC.16.

IC 31-33-3-4

Sec. 4. (a) The community child protection team shall meet:

- (1) at least one (1) time each month; or
- (2) at the times that the team's services are needed by the child protection service.

(b) Meetings of the team shall be called by the majority vote of the members of the team.

(c) The team coordinator or at least two (2) other members of the team may determine the agenda.

(d) Notwithstanding IC 5-14-1.5, meetings of the team are open only to persons authorized to receive information under this article.

As added by P.L.1-1997, SEC.16.

IC 31-33-3-5

Sec. 5. The community child protection team:

- (1) shall provide diagnostic and prognostic services for the local child protection service or the juvenile court; and
- (2) may recommend to the local child protection service that a petition be filed in the juvenile court on behalf of the subject child if the team believes this would best serve the interests of the child.

As added by P.L.1-1997, SEC.16.

IC 31-33-3-6

Sec. 6. The community child protection team may receive and review:

- (1) any case that the local child protection service has been involved in within the county where the team presides; and
- (2) complaints regarding child abuse and neglect cases that are brought to the team by a person or an agency.

As added by P.L.1-1997, SEC.16.

IC 31-33-3-7

Sec. 7. (a) The community child protection team's duties may include preparing a periodic report regarding the child abuse and neglect reports and complaints that the team reviews under this chapter.

(b) The periodic report may include the following information:

- (1) The number of complaints under section 6 of this chapter that the team receives and reviews each month.
- (2) A description of the child abuse and neglect reports that the team reviews each month, including the following information:
 - (A) The scope and manner of the interviewing process during the child abuse or neglect investigation.
 - (B) The timeliness of the investigation.
 - (C) The number of children removed from the home.
 - (D) The types of services offered.
 - (E) The number of child abuse and neglect cases filed with a court.
 - (F) The reasons that certain child abuse and neglect cases are not filed with a court.

As added by P.L.1-1997, SEC.16.

IC 31-33-3-8

Sec. 8. The members of the community child protection team are bound by all applicable laws regarding the confidentiality of matters reviewed by the team.

As added by P.L.1-1997, SEC.16.

IC 31-33-4

Chapter 4. Local Plan for Provision of Child Protection Services

IC 31-33-4-1

Sec. 1. Before February 2 of each odd-numbered year, each county office of family and children, after a public hearing, shall:

- (1) prepare a local plan for the provision of child protection services; and
- (2) submit the plan to:
 - (A) the director after consultation with local law enforcement agencies;
 - (B) a juvenile court;
 - (C) the community child protection team as provided for in IC 31-33-3-1; and
 - (D) appropriate public or voluntary agencies, including organizations for the prevention of child abuse or neglect.

As added by P.L.1-1997, SEC.16.

IC 31-33-4-2

Sec. 2. The local plan must describe the county office of family and children's implementation of this article, including the following:

- (1) Organization.
- (2) Staffing.
- (3) Mode of operations.
- (4) Financing of the child protection services.
- (5) The provisions made for the purchase of service and interagency relations.

As added by P.L.1-1997, SEC.16.

IC 31-33-4-3

Sec. 3. (a) Not later than sixty (60) days after receiving the plan, the director shall certify whether the local plan fulfills the purposes and meets the requirements of this article.

(b) If the director certifies that the local plan does not fulfill the purposes and meet the requirements of this article, the director:

- (1) shall state the reasons for the decision; and
- (2) may withhold state reimbursement for any part of the county office of family and children's activities relating to this article.

As added by P.L.1-1997, SEC.16.

IC 31-33-4-4

Sec. 4. The decisions of the director under this chapter are judicially reviewable under IC 4-21.5-5.

As added by P.L.1-1997, SEC.16.

IC 31-33-5

Chapter 5. Duty to Report Child Abuse or Neglect

IC 31-33-5-1

Sec. 1. In addition to any other duty to report arising under this article, an individual who has reason to believe that a child is a victim of child abuse or neglect shall make a report as required by this article.
As added by P.L.1-1997, SEC.16.

IC 31-33-5-2

Sec. 2. (a) If an individual is required to make a report under this article in the individual's capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, the individual shall immediately notify the individual in charge of the institution, school, facility, or agency or the designated agent of the individual in charge of the institution, school, facility, or agency.

(b) An individual notified under subsection (a) shall report or cause a report to be made.

As added by P.L.1-1997, SEC.16.

IC 31-33-5-3

Sec. 3. This chapter does not relieve an individual of the obligation to report on the individual's own behalf, unless a report has already been made to the best of the individual's belief.

As added by P.L.1-1997, SEC.16.

IC 31-33-5-4

Sec. 4. A person who has a duty under this chapter to report that a child may be a victim of child abuse or neglect shall immediately make an oral report to:

(1) the local child protection service; or

(2) the local law enforcement agency.

As added by P.L.1-1997, SEC.16.

IC 31-33-6

Chapter 6. Immunity of Persons Who Report Child Abuse or Neglect

IC 31-33-6-1

Sec. 1. Except as provided in section 2 of this chapter, a person, other than a person accused of child abuse or neglect, who:

- (1) makes or causes to be made a report of a child who may be a victim of child abuse or neglect;
- (2) is a health care provider and detains a child for purposes of causing photographs, x-rays, or a physical medical examination to be made under IC 31-33-10;
- (3) makes any other report of a child who may be a victim of child abuse and neglect; or
- (4) participates in any judicial proceeding or other proceeding:
 - (A) resulting from a report that a child may be a victim of child abuse or neglect; or
 - (B) relating to the subject matter of the report;

is immune from any civil or criminal liability that might otherwise be imposed because of such actions.

As added by P.L.1-1997, SEC.16.

IC 31-33-6-2

Sec. 2. Immunity does not attach for a person who has acted maliciously or in bad faith.

As added by P.L.1-1997, SEC.16.

IC 31-33-6-3

Sec. 3. A person making a report that a child may be a victim of child abuse or neglect or assisting in any requirement of this article is presumed to have acted in good faith.

As added by P.L.1-1997, SEC.16.

IC 31-33-7

Chapter 7. Receipt of Reports of Suspected Child Abuse or Neglect

IC 31-33-7-1

Sec. 1. The local child protection service shall arrange for receipt, on a twenty-four (24) hour, seven (7) day per week basis, of all reports under this article of suspected child abuse or neglect.

As added by P.L.1-1997, SEC.16.

IC 31-33-7-2

Sec. 2. To carry out section 1 of this chapter, a local child protection service must use a phone access system for receiving calls that is standardized among all counties. The division of family and children shall adopt rules under IC 4-22-2 for the administration of this section.

As added by P.L.1-1997, SEC.16.

IC 31-33-7-3

Sec. 3. Each local child protection service shall cause to be inserted in each local telephone directory in the county a listing of the child abuse hotline's telephone number under the name "child abuse hotline". The child abuse hotline number under this section must be included with the other emergency numbers listed in the directory.

As added by P.L.1-1997, SEC.16.

IC 31-33-7-4

Sec. 4. (a) The local child protection service shall make a written report of a child who may be a victim of child abuse or neglect not later than forty-eight (48) hours after receipt of the oral report required of individuals by IC 31-33-5-4.

(b) Written reports under this section must be made on forms supplied by the administrator. The written reports must include, if known, the following information:

- (1) The names and addresses of the following:
 - (A) The child.
 - (B) The child's parents, guardian, custodian, or other person responsible for the child's care.
- (2) The child's age and sex.
- (3) The nature and apparent extent of the child's injuries, abuse, or neglect, including any evidence of prior:
 - (A) injuries of the child; or
 - (B) abuse or neglect of the child or the child's siblings.
- (4) The name of the person allegedly responsible for causing the injury, abuse, or neglect.
- (5) The source of the report.
- (6) The person making the report and where the person can be reached.
- (7) The actions taken by the reporting source, including the following:
 - (A) Taking of photographs and x-rays.
 - (B) Removal or keeping of the child.

- (C) Notifying the coroner.
- (8) The written documentation required by IC 31-34-2-3 if a child was taken into custody without a court order.
- (9) Any other information that:
 - (A) the director requires by rule; or
 - (B) the person making the report believes might be helpful.

As added by P.L.1-1997, SEC.16.

IC 31-33-7-5

Sec. 5. A copy of the written report of the local child protection service shall immediately be made available to:

- (1) the appropriate law enforcement agency;
- (2) the prosecuting attorney; and
- (3) in a case involving death, the coroner for the coroner's consideration.

As added by P.L.1-1997, SEC.16.

IC 31-33-7-6

Sec. 6. Upon receiving a written report under section 5(3) of this chapter, the coroner shall:

- (1) accept a report for investigation; and
- (2) report the coroner's findings to:
 - (A) the appropriate law enforcement agency;
 - (B) the prosecuting attorney;
 - (C) the local child protection service; and
 - (D) the hospital if the institution making the report is a hospital.

As added by P.L.1-1997, SEC.16.

IC 31-33-7-6.5

Sec. 6.5. Child abuse or neglect information may be expunged under IC 31-39-8 if the probative value of the information is so doubtful as to outweigh its validity. Child abuse or neglect information shall be expunged if it is determined to be unsubstantiated after:

- (1) an investigation of a report of a child who may be a victim of child abuse or neglect by the child protection service; or
- (2) a court proceeding.

As added by P.L.2-1998, SEC.78.

IC 31-33-7-7

Sec. 7. (a) When a law enforcement agency receives an initial report under IC 31-33-5-4 that a child may be a victim of child abuse or neglect, the law enforcement agency shall:

- (1) immediately communicate the report to the local child protection service, whether or not the law enforcement agency has reason to believe there exists an imminent danger to the child's health or welfare; and
- (2) conduct an immediate, onsite investigation of the report along with the local child protection service whenever the law enforcement agency has reason to believe that an offense has been committed.

(b) In all cases, the law enforcement agency shall forward any information, including copies of investigation reports, on incidents of cases in which a child may be a victim of child abuse or neglect, whether or not obtained under this article, to:

- (1) the local child protection agency; and
- (2) the juvenile court under IC 31-34-7.

As added by P.L.1-1997, SEC.16.

IC 31-33-7-8

Sec. 8. (a) This section applies if the local child protection service receives a report of suspected child abuse or neglect from:

- (1) a hospital;
- (2) a community mental health center;
- (3) a managed care provider (as defined in IC 12-7-2-127(b));
- (4) a referring physician;
- (5) a dentist;
- (6) a licensed psychologist; or
- (7) a school.

(b) Not later than thirty (30) days after the date a local child protection service receives a report of suspected child abuse or neglect from a person described in subsection (a), the child protection service shall send a report to:

- (1) the administrator of the hospital;
- (2) the community mental health center;
- (3) the managed care provider;
- (4) the referring physician;
- (5) the dentist; or
- (6) the principal of the school.

The report must contain the items listed in subsection (e) that are known at the time the report is sent.

(c) Not later than ninety (90) days after the date a local child protection service receives a report of suspected child abuse or neglect, the local child protection service shall send a report that contains any additional items listed in subsection (e) that were not covered in the prior report if available.

(d) The administrator, director, referring physician, dentist, licensed psychologist, or principal may appoint a designee to receive the report.

(e) A report made by the local child protection service under this section must contain the following information:

- (1) The name of the alleged victim of child abuse or neglect.
- (2) The name of the alleged perpetrator and the alleged perpetrator's relationship to the alleged victim.
- (3) Whether the case is closed.
- (4) Whether information concerning the case has been expunged.
- (5) The name of any agency to which the alleged victim has been referred.
- (6) Whether the local child protection service has made an investigation of the case and has not taken any further action.
- (7) Whether a substantiated case of child abuse or neglect was informally adjusted.
- (8) Whether the alleged victim was referred to the juvenile court

as a child in need of services.

(9) Whether the alleged victim was returned to the victim's home.

(10) Whether the alleged victim was placed in residential care outside the victim's home.

(11) Whether a wardship was established for the alleged victim.

(12) Whether criminal action is pending or has been brought against the alleged perpetrator.

(13) A brief description of any casework plan that has been developed by the child protection service.

(14) The caseworker's name and telephone number.

(15) The date the report is prepared.

(16) Other information that the division of family and children may prescribe.

(f) A report made under this section:

(1) is confidential; and

(2) may be made available only to:

(A) the agencies named in this section; and

(B) the persons and agencies listed in IC 31-33-18-2.

As added by P.L.1-1997, SEC.16.

IC 31-33-8

Chapter 8. Investigation of Reports of Suspected Child Abuse or Neglect

IC 31-33-8-1

Sec. 1. (a) The local child protection service shall initiate an immediate and appropriately thorough child protection investigation of every report of known or suspected child abuse or neglect the local child protection service receives, whether in accordance with this article or otherwise.

(b) Subject to subsections (d) and (e), if the report alleges a child may be a victim of child abuse, the investigation shall be initiated immediately, but not later than twenty-four (24) hours after receipt of the report.

(c) Subject to subsections (d) and (e), if reports of child neglect are received, the investigation shall be initiated within a reasonably prompt time, but not later than five (5) days, with the primary consideration being the well-being of the child who is the subject of the report.

(d) If the immediate safety or well-being of a child appears to be endangered or the facts otherwise warrant, the investigation shall be initiated regardless of the time of day.

(e) If the child protection service has reason to believe that the child is in imminent danger of serious bodily harm, the child protection service shall initiate within one (1) hour an immediate, onsite investigation.

As added by P.L.1-1997, SEC.16.

IC 31-33-8-2

Sec. 2. (a) Upon the receipt of each report under this chapter of known or suspected child abuse, the local child protection service shall contact the law enforcement agency in the appropriate jurisdiction.

(b) The law enforcement agency, with the local child protection service, shall conduct an immediate onsite investigation of the report if the law enforcement agency has reason to believe that an offense has been committed. The law enforcement agency shall investigate the alleged child abuse or neglect under this chapter in the same manner that the law enforcement agency conducts any other criminal investigation.

As added by P.L.1-1997, SEC.16.

IC 31-33-8-3

Sec. 3. (a) Except as provided in subsection (b), the local child protection service shall:

- (1) cause color photographs to be taken of the areas of trauma visible on a child who is subject to a report; and,
- (2) if medically indicated, cause a radiological examination of the child to be performed.

(b) If the law enforcement agency participates in the investigation, the law enforcement agency shall cause the color photographs to be taken as provided by this section.

(c) The division of family and children shall reimburse the expenses

of the photographs and x-rays.
As added by P.L.1-1997, SEC.16.

IC 31-33-8-4

Sec. 4. The law enforcement agency shall:

- (1) give telephone notice; and
- (2) immediately forward a copy;

of reports made under this article that involve the death of a child to the appropriate prosecuting attorney.
As added by P.L.1-1997, SEC.16.

IC 31-33-8-5

Sec. 5. The local child protection service shall immediately forward a copy of all reports made under this article to the appropriate prosecuting attorney if the prosecuting attorney has made a prior request to the service in writing for the copies.
As added by P.L.1-1997, SEC.16.

IC 31-33-8-6

Sec. 6. The local child protection service shall promptly make a thorough investigation upon either the oral or written report. The primary purpose of the investigation is the protection of the child.
As added by P.L.1-1997, SEC.16.

IC 31-33-8-7

Sec. 7. (a) The local child protection service's investigation, to the extent that is reasonably possible, must include the following:

- (1) The nature, extent, and cause of the known or suspected child abuse or neglect.
- (2) The identity of the person allegedly responsible for the child abuse or neglect.
- (3) The names and conditions of other children in the home.
- (4) An evaluation of the parent, guardian, custodian or person responsible for the care of the child.
- (5) The home environment and the relationship of the child to the parent, guardian, or custodian or other persons responsible for the child's care.
- (6) All other data considered pertinent.

(b) The investigation may include the following:

- (1) A visit to the child's home.
- (2) An interview with the subject child.
- (3) A physical, psychological, or psychiatric examination of any child in the home.

(c) If:

- (1) admission to the home, the school, or any other place that the child may be; or
- (2) permission of the parent, guardian, custodian, or other persons responsible for the child for the physical, psychological, or psychiatric examination;

under subsection (b) cannot be obtained, the juvenile court, upon good cause shown, shall follow the procedures under IC 31-32-12.

As added by P.L.1-1997, SEC.16.

IC 31-33-8-8

Sec. 8. (a) If, before the investigation is complete, the opinion of the law enforcement agency or the local child protection service is that immediate removal is necessary to protect the child from further abuse or neglect, the juvenile court may issue an order under IC 31-32-13.

(b) The child protection service shall make a complete written report of the investigation.

(c) If a law enforcement agency participates in the investigation, the law enforcement agency shall also make a complete written report of the investigation.

As added by P.L.1-1997, SEC.16.

IC 31-33-8-9

Sec. 9. (a) The local child protection service's report under section 8 of this chapter shall be made available to:

- (1) the appropriate court;
- (2) the prosecuting attorney; or
- (3) the appropriate law enforcement agency;

upon request.

(b) If child abuse or neglect is substantiated after an investigation is conducted under section 7 of this chapter, the local child protection service shall forward its report to the office of the prosecuting attorney having jurisdiction in the county in which the alleged child abuse or neglect occurred.

(c) If the investigation substantiates a finding of child abuse or neglect as determined by the local child protection service, a report shall be sent to the coordinator of the community child protection team under IC 31-33-3.

As added by P.L.1-1997, SEC.16. Amended by P.L.35-1998, SEC.4.

IC 31-33-8-10

Sec. 10. If the law enforcement agency participates in the child abuse or neglect investigation, the law enforcement agency shall forward all information, including copies of an investigation report under section 7 of this chapter, on an incident in which a child may be a victim of alleged child abuse or neglect, whether obtained under this article or not, to the office of the prosecuting attorney.

As added by P.L.1-1997, SEC.16.

IC 31-33-8-11

Sec. 11. In all cases, the law enforcement agency shall release information on an incident in which a child may be a victim of alleged child abuse or neglect, whether obtained under this article or not, to the local child protection service.

As added by P.L.1-1997, SEC.16.

IC 31-33-8-12

Sec. 12. Upon completion of an investigation, the local child protection service shall classify reports as substantiated or

unsubstantiated.

As added by P.L.1-1997, SEC.16.

IC 31-33-8-13

Sec. 13. Whenever:

- (1) an arrest relating to child abuse or neglect is made, the law enforcement agency that makes the arrest;
- (2) criminal charges relating to child abuse or neglect are filed, the court in which the charges are filed;
- (3) a child in need of services determination is made, the local child protection service that files the petition upon which the determination is based;
- (4) a court approves a program of informal adjustment under IC 31-34-8 arising out of a child abuse or neglect report, the appropriate child protection service; or
- (5) a person who is accused of child abuse or neglect:
 - (A) enters into a services referral agreement; and
 - (B) fails to substantially comply with the terms of the services referral agreement;

under IC 31-33-13, the local child protection service that obtains the agreement from the person;

shall transmit to the registry, not more than five (5) working days after the circumstances described by subdivisions (1) through (5) occur, the relevant child abuse or neglect report.

As added by P.L.1-1997, SEC.16.

IC 31-33-8-14

Sec. 14. Whenever:

- (1) a court with criminal jurisdiction dismisses a case or enters a not guilty verdict in a case arising out of child abuse or neglect; or
- (2) a court with jurisdiction over a child in need of services proceeding determines that child abuse or neglect has not occurred;

the court shall forward information regarding the disposition of the case under this chapter to the registry not more than five (5) working days after the court acts as described by subdivisions (1) through (2).

As added by P.L.1-1997, SEC.16.

IC 31-33-9

Chapter 9. Designation of Public or Private Agencies to Investigate Reports of Abuse or Neglect Involving a Child Under the Care of a Public or Private Institution

IC 31-33-9-1

Sec. 1. (a) Through a written protocol or agreement, the division of family and children shall designate the public or private agencies primarily responsible for investigating reports involving a child who:

- (1) may be a victim of child abuse or neglect; and
- (2) is under the care of a public or private institution.

(b) The designated agency must be different from and separately administered from the agency involved in the alleged act or omission. Subject to this limitation, the agency:

- (1) may be:
 - (A) the division of family and children;
 - (B) the local child protection service; or
 - (C) a law enforcement agency; and
- (2) may not be the office of the prosecuting attorney.

As added by P.L.1-1997, SEC.16.

IC 31-33-9-2

Sec. 2. The protocol or agreement must describe the specific terms or conditions of the designation, including the following:

- (1) The manner in which reports of a child who may be a victim of child abuse or neglect and who is under the care of a public or private institution will be received.
- (2) The manner in which the reports will be investigated.
- (3) The remedial action that will be taken.
- (4) The manner in which the division of family and children will be kept fully informed on the progress, findings, and disposition of the investigation.

As added by P.L.1-1997, SEC.16.

IC 31-33-9-3

Sec. 3. To fulfill the purposes of this chapter, the division of family and children may purchase the services of the public or private agency designated to investigate reports of child abuse or neglect.

As added by P.L.1-1997, SEC.16.

IC 31-33-10

Chapter 10. Duty of Health Care Provider to Examine, Photograph, and X-ray Child Who Is Subject of Child Abuse or Neglect Report

IC 31-33-10-1

Sec. 1. (a) A person who:

(1) is required to report cases of known or suspected child abuse or neglect; and

(2) is also a health care provider or a person in charge of a hospital or similar medical institution treating the child;

shall cause photographs to be taken of the areas of trauma visible on the child who is the subject of a report.

(b) If medically indicated, a physician may cause a radiological examination or a physical medical examination, or both, of the child to be performed.

As added by P.L.1-1997, SEC.16.

IC 31-33-10-2

Sec. 2. The division of family and children shall reimburse the reasonable cost of photographs, x-rays, or physical medical examinations made under this chapter.

As added by P.L.1-1997, SEC.16.

IC 31-33-10-3

Sec. 3. All photographs taken and a summary of x-rays and other medical care shall be sent to the local child protection service and, upon request, to a law enforcement agency that investigates the alleged child abuse or neglect, at the time the written report is sent or as soon thereafter as possible. The local child protection service shall give notice of the existence of photographs, x-rays, and physical medical examination reports in accordance with IC 31-33-2-4.

As added by P.L.1-1997, SEC.16. Amended by P.L.197-1999, SEC.4.

IC 31-33-11

Chapter 11. Duty of Hospital Not to Release Child Who Is Subject of Child Abuse or Neglect Report

IC 31-33-11-1

Sec. 1. (a) Whenever:

- (1) a child is subject to investigation by a local child protection service for reported child abuse or neglect;
- (2) the child is a patient in a hospital; and
- (3) the hospital has reported or has been informed of the report and investigation;

the hospital may not release the child to the child's parent, guardian, custodian, or to a court approved placement until the hospital receives authorization or a copy of a court order from the investigating local child protection service indicating that the child may be released to the child's parent, guardian, custodian, or court approved placement.

(b) If the authorization that is granted under this section is verbal, the investigating local child protection service shall send a letter to the hospital confirming that the local child protection service has granted authorization for the child's release.

(c) The individual or third party payor responsible financially for the hospital stay of the child remains responsible for any extended stay under this section. If no party is responsible for the extended stay, the division of family and children shall pay the expenses of the extended hospital stay.

As added by P.L.1-1997, SEC.16.

IC 31-33-12

Chapter 12. Offer of Services to Family Following Investigation of Report of Child Abuse or Neglect

IC 31-33-12-1

Sec. 1. Based on the investigation and evaluation conducted under this article, the local child protection service shall offer to the family or any child believed to be suffering from child abuse or neglect:

- (1) family services;
- (2) rehabilitative services; or
- (3) both types of services;

that appear appropriate for either the child or the family.

As added by P.L.1-1997, SEC.16.

IC 31-33-12-2

Sec. 2. Before offering services under section 1 of this chapter to a family, the local child protection service:

- (1) shall explain that the local child protection service has no legal authority to compel the family to receive the social services; and
- (2) may inform the family of the obligations and authority of the local child protection service to petition a juvenile court for a proceeding alleging that the child may be a victim of child abuse or neglect.

As added by P.L.1-1997, SEC.16.

IC 31-33-12-3

Sec. 3. The local child protection service shall coordinate, provide or arrange for, and monitor, as authorized by this article and IC 12, family or rehabilitative services, or both types of services, for a child and the child's family on a voluntary basis or under an order of the court, subject to IC 31-34-11 and IC 31-34-18.

As added by P.L.1-1997, SEC.16.

IC 31-33-13

Chapter 13. Voluntary Services Referral Agreement Between Person Accused of Child Abuse or Neglect and Local Child Protection Service

IC 31-33-13-1

Sec. 1. This chapter applies if:

- (1) a child abuse or neglect report is classified as substantiated;
- (2) the local child protection service does not seek court involvement under IC 31-34; and
- (3) the local child protection service recommends voluntary participation in family or rehabilitative services for not more than six (6) months.

As added by P.L.1-1997, SEC.16.

IC 31-33-13-2

Sec. 2. A person who is accused of child abuse or neglect may enter into a voluntary services referral agreement with the local child protection service under this chapter. Under the terms of the agreement, the person shall successfully participate in and complete any family or rehabilitative services recommended by the local child protection service.

As added by P.L.1-1997, SEC.16.

IC 31-33-13-3

Sec. 3. If a person who enters into an agreement under section 2 of this chapter (or IC 31-6-11-13.5(b) before its repeal) fails to substantially carry out the terms of the agreement, the local child protection service shall:

- (1) terminate the agreement; and
- (2) forward the child abuse or neglect report relating to the person to the division of family and children for entry into the registry under IC 31-33-17.

As added by P.L.1-1997, SEC.16.

IC 31-33-13-4

Sec. 4. Before a person enters into a services referral agreement under this chapter, the local child protection service shall advise the person, orally and in writing, that the division of family and children shall enter information contained in the child abuse or neglect report that gave rise to the service referral agreement into the registry as provided under IC 31-33-17 if the person fails to substantially comply with the terms of the agreement.

As added by P.L.1-1997, SEC.16.

IC 31-33-13-5

YAMD.1997

Sec. 5. The local child protection service shall provide a court with access to information relating to a services referral agreement whenever the court:

- (1) approves a program of informal adjustment; or
 - (2) presides over a child in need of services proceeding;
- involving the same person or family to whom services were recommended under the services referral agreement.

As added by P.L.1-1997, SEC.16.

IC 31-33-14**Chapter 14. Referral of Case to Juvenile Court Following Investigation of Report of Child Abuse or Neglect; Juvenile Court Proceeding****IC 31-33-14-1**

Sec. 1. If the local child protection service determines that the best interests of the child require action in the juvenile or criminal court, the local child protection service shall:

- (1) refer the case to the juvenile court under IC 31-34-7; or
- (2) make a referral to the prosecuting attorney if criminal prosecution is desired.

As added by P.L.1-1997, SEC.16.

IC 31-33-14-2

Sec. 2. The local child protection service shall assist the juvenile court or the court having criminal jurisdiction during all stages of the proceedings in accordance with the purposes of this article.

As added by P.L.1-1997, SEC.16.

IC 31-33-15**Chapter 15. Appointment of Guardian Ad Litem or Court Appointed Special Advocate****IC 31-33-15-1**

Sec. 1. In every judicial proceeding under this article, the court may appoint for the child a guardian ad litem or a court appointed special advocate, or both, under IC 31-32-3.

As added by P.L.1-1997, SEC.16.

IC 31-33-15-2

Sec. 2. The guardian ad litem or the court appointed special advocate, or both, shall be given access under IC 31-39 to:

- (1) all reports relevant to the case; and
- (2) any reports of examinations of the child's parents or other person responsible for the child's welfare.

As added by P.L.1-1997, SEC.16.

IC 31-33-15-3

Sec. 3. Any costs related to the services of a guardian ad litem shall be paid according to IC 31-40.

As added by P.L.1-1997, SEC.16.

IC 31-33-16

Chapter 16. Review of Status of Child by Juvenile Court

IC 31-33-16-1

Sec. 1. The juvenile court shall review the status of a child removed from the child's family under this article (or IC 31-6-11 before its repeal) according to IC 31-34-21.

As added by P.L.1-1997, SEC.16.

IC 31-33-17

Chapter 17. Child Abuse Registry

IC 31-33-17-0.5

Sec. 0.5. As used in this chapter, "child care provider" means a person who provides child care (as defined in IC 12-7-2-28.2) regardless of whether the person is required to be licensed or registered under IC 12-17.2-5.

As added by P.L.36-2001, SEC.2.

IC 31-33-17-1

Sec. 1. The division of family and children shall establish and maintain a centralized, computerized child abuse registry for the purpose of organizing and accessing data regarding substantiated reports of child abuse and neglect described under section 2 of this chapter that the division of family and children receives from throughout Indiana under this article.

As added by P.L.1-1997, SEC.16.

IC 31-33-17-2

Sec. 2. The division of family and children shall enter a substantiated report into the registry only if at least one (1) of the following applies:

- (1) An arrest of the alleged perpetrator of the child abuse or neglect is made.
- (2) Criminal charges are filed in state or federal court against the alleged perpetrator of the child abuse or neglect.
- (3) A court determines that a child is a child in need of services based on a report of child abuse or neglect.
- (4) A court approves a program of informal adjustment relating to the child abuse or neglect report under IC 31-34-8.
- (5) A person does not substantially comply with the terms of a services referral agreement under IC 31-33-13.

As added by P.L.1-1997, SEC.16.

IC 31-33-17-3

Sec. 3. The division of family and children may not enter an unsubstantiated report into the registry.

As added by P.L.1-1997, SEC.16.

IC 31-33-17-4

Sec. 4. The division of family and children shall store data regarding the child abuse or neglect reports in a manner so that the data is accessible under the following if known:

- (1) The child's name.
- (2) The child's date of birth.
- (3) The alleged perpetrator's name.
- (4) The child's mother's name.
- (5) The child's father's name.
- (6) The name of a sibling of the child.
- (7) The name of the child's guardian or custodian if applicable.

As added by P.L.1-1997, SEC.16.

IC 31-33-17-5

Sec. 5. The division of family and children shall adopt rules under IC 4-22-2 for the purpose of ensuring that the confidentiality and access to reports of child abuse or neglect are maintained as provided in this chapter.

As added by P.L.1-1997, SEC.16.

IC 31-33-17-6

Sec. 6. Upon request, a person or an organization may have access to information contained in the registry as follows:

(1) A law enforcement agency or local child protective service may have access to a substantiated report.

(2) A person may have access to information consisting of an identifiable notation of a conviction arising out of a report of child abuse or neglect.

(3) Upon submitting written verification of an application for employment or a consent for release of information signed by a child care provider, a person or an agency may obtain the following information contained in the child abuse registry regarding an individual who has applied for employment or volunteered for services in a capacity that would place the individual in a position of trust with children less than eighteen (18) years of age or regarding a child care provider who is providing or may provide child care for the person's child:

(A) Whether a child was found by a court to be a child in need of services based on a report of child abuse or neglect naming the applicant, volunteer, or child care provider as the alleged perpetrator.

(B) Whether criminal charges were filed against the applicant, volunteer, or child care provider based on a report of child abuse or neglect naming the applicant, volunteer, or child care provider as the alleged perpetrator.

(C) Whether a court has issued an arrest warrant for the applicant, volunteer, or child care provider based on a report of child abuse or neglect in which the applicant, volunteer, or child care provider is named as the alleged perpetrator.

(4) A person may have access to whatever information is contained in the registry pertaining to the person, with protection for the identity of:

(A) the person who reports the alleged child abuse or neglect; and

(B) any other appropriate person.

(5) A person or an agency to whom child abuse and neglect reports are available under IC 31-33-18 may also have access to information contained in the registry.

(6) If a child care provider provides child care in the provider's home, upon submitting a consent for release of information signed by an individual who is at least eighteen (18) years of age, who resides with the child care provider, and who may have direct

contact with children for whom the provider provides child care, a person may obtain the following information contained in the child abuse registry regarding the individual:

- (A) Whether a child was found by a court to be a child in need of services based on a report of child abuse or neglect naming the individual as the alleged perpetrator.
- (B) Whether criminal charges were filed against the individual based on a report of child abuse or neglect naming the individual as the alleged perpetrator.
- (C) Whether a court has issued an arrest warrant for the individual based on a report of child abuse or neglect in which the individual is named as the alleged perpetrator.

As added by P.L.1-1997, SEC.16. Amended by P.L.36-2001, SEC.3.

IC 31-33-17-7

Sec. 7. The division of family and children shall administer the registry and each local child protection service shall administer the automated child protection system under IC 31-33-20 in a manner that enables the division of family and children or each local child protection service to do the following:

- (1) Immediately identify and locate prior reports of child abuse or neglect through the use of the division of family and children's computerized tracking system and the local child protection service's automated risk assessment system.
- (2) Track steps in the investigative process to ensure compliance with all requirements for a report of child abuse and neglect.
- (3) Maintain and produce aggregate statistical reports monitoring patterns of child abuse and neglect that the division of family and children shall make available to the public upon request.
- (4) Serve as a resource for the evaluation, management, and planning of preventative and remedial services to children who have been subject to child abuse or neglect.

As added by P.L.1-1997, SEC.16.

IC 31-33-17-8

Sec. 8. (a) This section does not apply to substantiated cases if a court determines that a child is a child in need of services based on a report of child abuse or neglect that names the alleged perpetrator as the individual who committed the alleged child abuse or neglect.

(b) Not later than thirty (30) days after the division of family and children enters a substantiated child abuse or neglect report into the registry, the division of family and children shall notify:

- (1) the parent, guardian, or custodian of the child who is named in the report as the victim of the child abuse or neglect; and
- (2) the alleged perpetrator, if other than the child's parent, guardian, or custodian, named in the report under IC 31-33-5-4; that the division of family and children has entered the report into the registry.

(c) The division of family and children shall state the following in a notice to an alleged perpetrator of a substantiated report under subsection (b):

- (1) The report has been classified as substantiated.
- (2) The alleged perpetrator may request that a substantiated report be amended or expunged at an administrative hearing if the alleged perpetrator does not agree with the classification of the report unless a court is in the process of making a determination described in IC 31-33-19.
- (3) The alleged perpetrator's request for an administrative hearing to contest the classification of a substantiated report must be received by the division of family and children not more than thirty (30) days after the alleged perpetrator receives the notice.
- (d) If the alleged perpetrator fails to request an administrative hearing within the time specified in subsection (c)(3), the alleged perpetrator named in a substantiated report may request an administrative hearing to contest the classification of the report if the alleged perpetrator demonstrates that the failure to request an administrative hearing was due to excusable neglect or fraud. The Indiana Rules of Civil Procedure provide the standard for excusable neglect or fraud.

As added by P.L.1-1997, SEC.16.

IC 31-33-17-9

Sec. 9. The Indiana criminal justice institute shall do the following:

- (1) Coordinate training for persons who operate the registry under this chapter.
- (2) Ensure that a representative from each of the following conducts part of the training:
 - (A) A law enforcement agency.
 - (B) An office of the county prosecuting attorney.

As added by P.L.1-1997, SEC.16.

IC 31-33-17-10

Sec. 10. (a) Whenever a court grants a name change under IC 34-28-2 (or IC 34-4-6 before its repeal) to a person:

- (1) against whom an allegation of child abuse or neglect has been substantiated; and
- (2) whose name is maintained within the registry in accordance with this chapter;

the person must notify the division of family and children regarding the name change not more than ten (10) business days after the court enters a decree changing the person's name.

(b) The notice must include a copy of the decree of the court that changes the name of the person, certified under the seal of the clerk of court.

As added by P.L.1-1997, SEC.16. Amended by P.L.1-1998, SEC.168.

IC 31-33-18

Chapter 18. Disclosure of Reports; Confidentiality Requirements

IC 31-33-18-1

Sec. 1. The following are confidential:

- (1) Reports made under this article (or IC 31-6-11 before its repeal).
- (2) Any other information obtained, reports written, or photographs taken concerning the reports in the possession of:
 - (A) the division of family and children;
 - (B) the county office of family and children; or
 - (C) the local child protection service.

As added by P.L.1-1997, SEC.16.

IC 31-33-18-2

Sec. 2. The reports and other material described in section 1 of this chapter shall be made available only to the following:

- (1) Persons authorized by this article.
- (2) A legally mandated public or private child protective agency investigating a report of child abuse or neglect or treating a child or family that is the subject of a report or record.
- (3) A police or other law enforcement agency, prosecuting attorney, or coroner in the case of the death of a child who is investigating a report of a child who may be a victim of child abuse or neglect.
- (4) A physician who has before the physician a child whom the physician reasonably suspects may be a victim of child abuse or neglect.
- (5) An individual legally authorized to place a child in protective custody if:
 - (A) the individual has before the individual a child whom the individual reasonably suspects may be a victim of abuse or neglect; and
 - (B) the individual requires the information in the report or record to determine whether to place the child in protective custody;
- (6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, custodian, or other person who is responsible for the child's welfare.
- (7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.
- (8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.
- (9) A court, upon the court's finding that access to the records

may be necessary for determination of an issue before the court. However, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.

(10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.

(11) An appropriate state or local official responsible for the child protective service or legislation carrying out the official's official functions.

(12) A foster care review board established by a juvenile court under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the court's determination that access to the records is necessary to enable the foster care review board to carry out the board's purpose under IC 31-34-21.

(13) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

(14) A person about whom a report has been made, with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

As added by P.L.1-1997, SEC.16.

IC 31-33-18-3

Sec. 3. (a) Section 2 of this chapter does not prevent the county office of family and children or the local child protection service from disclosing to a qualified individual engaged in a good faith research project either:

(1) information of a general nature, including the incidents of reported child abuse or neglect or other statistical or social data used in connection with studies, reports, or surveys, and information related to their function and activities; or

(2) information relating to case histories of child abuse or neglect if:

(A) the information disclosed does not identify or reasonably tend to identify the persons involved; and

(B) the information is not a subject of pending litigation.

(b) To implement this section, the division of family and children shall adopt under IC 4-22-2 rules to govern the dissemination of information to qualifying researchers.

As added by P.L.1-1997, SEC.16.

IC 31-33-18-4

Sec. 4. (a) Whenever a child abuse or neglect investigation is conducted under this article, the local child protection service shall give verbal and written notice to each parent, guardian, or custodian of

the child that:

- (1) the reports and information described under section 1 of this chapter relating to the child abuse or neglect investigation; and
- (2) if the child abuse or neglect allegations are pursued in juvenile court, the juvenile court's records described under IC 31-39;

are available upon the request of the parent, guardian, or custodian except as prohibited by federal law.

(b) A parent, guardian, or custodian requesting information under this section may be required to sign a written release form that delineates the information that is requested before the information is made available. However, no other prerequisites for obtaining the information may be placed on the parent, guardian, or custodian except for reasonable copying costs.

As added by P.L.1-1997, SEC.16.

IC 31-33-19

Chapter 19. Administrative Hearing Requested by Alleged Perpetrator to Amend or Expunge a Substantiated Child Abuse or Neglect Report

IC 31-33-19-1

Sec. 1. Except as provided in sections 6 and 7 of this chapter, the division of family and children shall conduct an administrative hearing under IC 4-21.5-3 upon a request made under IC 31-33-17-8.

As added by P.L.1-1997, SEC.16.

IC 31-33-19-2

Sec. 2. At the administrative hearing, the classifying agency must prove by some credible evidence that the alleged perpetrator is responsible for the child's abuse or neglect.

As added by P.L.1-1997, SEC.16.

IC 31-33-19-3

Sec. 3. During an administrative hearing under section 1 of this chapter, the administrative hearing officer shall consider hearsay evidence to be competent evidence and may not exclude hearsay based on the technical rules of evidence. However, a determination may not be based solely on evidence that is hearsay.

As added by P.L.1-1997, SEC.16.

IC 31-33-19-4

Sec. 4. If the classifying agency fails to carry the burden of proof under section 2 of this chapter, the division of family and children shall amend or expunge the report as ordered by the administrative hearing officer within the period provided under section 8 of this chapter.

As added by P.L.1-1997, SEC.16.

IC 31-33-19-5

Sec. 5. (a) The confidentiality of an abuse or a neglect report must, to the extent possible, be maintained during the administrative process.

(b) The administrative hearing shall be closed.

(c) The administrative files shall be closed and not disclosed to the public.

As added by P.L.1-1997, SEC.16.

IC 31-33-19-6

Sec. 6. (a) If a court having jurisdiction over a child in need of services has determined or is anticipated to determine whether a report of suspected child abuse or neglect is substantiated, the determination of the court is binding.

(b) The administrative hearing under this chapter shall be stayed pending an anticipated action by the court.

As added by P.L.1-1997, SEC.16.

IC 31-33-19-7

Sec. 7. A person named as an alleged perpetrator in a report of

suspected child abuse or neglect whose report is reviewed by a court is not entitled to an administrative hearing under this chapter.

As added by P.L.1-1997, SEC.16.

IC 31-33-19-8

Sec. 8. (a) The division of family and children shall expunge identifying information in a substantiated report contained within the registry as follows:

(1) Not later than ten (10) working days after any of the following occurs:

(A) A court having jurisdiction over a child in need of services proceeding determines that child abuse or neglect has not occurred.

(B) An administrative hearing officer under this chapter finds that the child abuse or neglect report is unsubstantiated.

(C) A court having criminal jurisdiction over a case involving child abuse or neglect in which criminal charges are filed and the court:

(i) dismisses the charges; or

(ii) enters a not guilty verdict.

(2) Not later than ten (10) working days after the period of informal adjustment ceases under IC 31-34-8.

(3) Not later than six (6) months after the date that the division of family and children enters the report into the registry as the result of a person's failure to successfully participate in a services referral agreement under IC 31-33-13.

(4) Not later than twenty (20) years after a court determines that a child is a child in need of services based upon the report.

(b) However, if subsection (a)(1) through (a)(4) does not apply, the division of family and children shall expunge the report not later than when the child who is named as the victim of child abuse or neglect reaches twenty-four (24) years of age.

As added by P.L.1-1997, SEC.16.

IC 31-33-19-9

Sec. 9. The division of family and children shall immediately amend or expunge from the registry a substantiated report containing an inaccuracy arising from an administrative or a clerical error.

As added by P.L.1-1997, SEC.16.

IC 31-33-20

Chapter 20. Automated Child Protection System

IC 31-33-20-1

Sec. 1. Each local child protection service shall establish and maintain an automated child protection system.

As added by P.L.1-1997, SEC.16.

IC 31-33-20-2

Sec. 2. The system consists of the following components:

- (1) One (1) computer to be purchased for every two (2) child welfare caseworkers.
- (2) Automated risk assessment in which a child welfare worker or supervisor is able to review a substantiated child abuse and neglect case to determine prior case history during the intake, investigation, assessment, and case management processes.
- (3) The capability to allow supervisors to monitor child abuse and neglect cases and reports relating to the cases.
- (4) The automated production of standard reports to enable the automated compilation of information gathered on forms used by child welfare workers to report the information and results of child abuse and neglect cases. The system must also provide for the automation of other data for planning and evaluation as determined by the division of family and children.
- (5) The capability of same day notification and transfer of statistical information to the division of family and children regarding new and closed child abuse and neglect cases.
- (6) The enabling of child welfare supervisors to review a child abuse or neglect case at any point after the case is initially determined to be substantiated abuse or neglect to confirm the status of the case and allow for the consolidated management of cases.
- (7) The capability for adjustment to the system's programming at a later date if additional reporting requirements occur at a later date.
- (8) A word processing capability to allow case notes to be recorded with each substantiated child abuse and neglect case.

As added by P.L.1-1997, SEC.16.

IC 31-33-20-3

Sec. 3. (a) In addition to the components under section 2 of this chapter, the system must have the capability to maintain a case history file.

(b) Whenever a child abuse or neglect case is substantiated as provided under IC 31-33-17-2, the system must have the capability to transmit the information regarding the case to the division of family and children.

(c) Whenever a person enters a new child abuse or neglect report into the system, the system must have the capability to automatically search:

- (A) within the county; and

(B) within the child abuse and neglect registry maintained by the division of family and children under IC 31-33-17; for reports that match the name of the perpetrator, victim, or person who is legally responsible for the victim's welfare with the persons named in the new report as described in this chapter.

(d) If the system identifies a previous, substantiated report, the system must have the capability to transfer the report to the county where the new report originated not later than twenty-four (24) hours after receipt of the new report. If the previous, matching report is located, a case history extract must be made available to the assigned caseworker.

As added by P.L.1-1997, SEC.16.

IC 31-33-20-4

Sec. 4. At least ten (10) levels of security for confidentiality in the system must be maintained. The system must have a comprehensive system of limited access to information as follows:

- (1) The system must be accessed only by the entry of an operator identification number and a person's secret password.
- (2) Child welfare caseworkers and investigators must be allowed to access only cases that are assigned to the caseworker or investigator.
- (3) Child welfare supervisors may access only the following:
 - (A) Cases assigned to the supervisor.
 - (B) Cases assigned to a caseworker or an investigator who reports to the supervisor.
 - (C) Cases that are unassigned.
- (4) To preserve confidentiality in the workplace, case welfare managers, as designated by the division of family and children, may access any case, except restricted cases involving a state employee or the immediate family member of a state employee who has access to the system. Access to restricted information under this subdivision may be obtained only if an additional level of security is implemented.
- (5) Access to records of authorized users, including passwords, is restricted to:
 - (A) users designated by the division of family and children as an administrator; and
 - (B) the administrator's level of administration as determined by the division of family and children.
- (6) Ancillary programs that may be designed for the system may not be executed in a manner that would circumvent the system's log on security measures.
- (7) Certain system functions must be accessible only to system operators with specified levels of authorization as determined by the division of family and children.
- (8) Files containing passwords must be encrypted.
- (9) There must be two (2) additional levels of security for confidentiality as determined by the division of family and children.

As added by P.L.1-1997, SEC.16.

IC 31-33-20-5

Sec. 5. The Indiana criminal justice institute shall do the following:

- (1) Coordinate training for persons who operate the automated child protection system under this chapter.
- (2) Ensure that a representative from each of the following conducts part of the training:
 - (A) A law enforcement agency.
 - (B) An office of the county prosecuting attorney.

As added by P.L.1-1997, SEC.16.

IC 31-33-21

Chapter 21. Cost of Services

IC 31-33-21-1

Sec. 1. The costs of any services ordered by the court for any child or the child's parent, guardian, or custodian shall be paid according to IC 31-40.

As added by P.L.1-1997, SEC.16.

IC 31-33-22

Chapter 22. Offenses; Access to Unsubstantiated False Reports

IC 31-33-22-1

Sec. 1. (a) A person who knowingly fails to make a report required by IC 31-33-5-1 commits a Class B misdemeanor.

(b) A person who knowingly fails to make a report required by IC 31-33-5-2 commits a Class B misdemeanor. This penalty is in addition to the penalty imposed by subsection (a).

As added by P.L.1-1997, SEC.16.

IC 31-33-22-2

Sec. 2. An individual who:

(1) knowingly requests, obtains, or seeks to obtain child abuse or neglect information under false pretenses; or

(2) knowingly falsifies child abuse or neglect information or records;

commits a Class B misdemeanor.

As added by P.L.1-1997, SEC.16.

IC 31-33-22-3

Sec. 3. (a) A person who intentionally communicates to:

(1) a law enforcement agency; or

(2) a local child protection service;

a report of child abuse or neglect knowing the report to be false commits a Class A misdemeanor. However, the offense is a Class D felony if the person has a previous unrelated conviction for making a report of child abuse or neglect knowing the report to be false.

(b) A person who intentionally communicates to:

(1) a law enforcement agency; or

(2) a local child protection service;

a report of child abuse or neglect knowing the report to be false is liable to the person accused of child abuse or neglect for actual damages. The finder of fact may award punitive damages and attorney's fees in an amount determined by the finder of fact against the person.

(c) The director of the county office of family and children shall, after review by the county office's attorney, notify the prosecuting attorney whenever the director and the county office's attorney have reason to believe that a person has violated this section.

(d) A person who:

(1) has reason to believe that the person is a victim of a false report of child abuse or neglect under this section; and

(2) is not named in a pending criminal charge or under investigation relating to the report;

may file a complaint with the prosecuting attorney. The prosecuting attorney shall review the relevant child abuse or neglect records of the county office of family and children and any other relevant evidence.

As added by P.L.1-1997, SEC.16.

IC 31-33-22-4

IC 31-33-22-4 Sec. 4. A person who intentionally violates IC 31-33-17-10 commits a Class B misdemeanor.

As added by P.L.1-1997, SEC.16.

IC 31-33-22-5

Sec. 5. A person who is accused of committing child abuse or neglect is entitled to access to a report relevant to an alleged false accusation filed under this article if a court finds that the report:

(1) is unsubstantiated; and

(2) was intentionally communicated to a law enforcement agency or a local child protection service by a person who knew the report was false.

As added by P.L.1-1997, SEC.16.